

ZB# 06-14

**New Windsor Development
Co.**

(Mt. Airy Estates)

76-2-17

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 4-24-06

06-14

NEW WINDSOR DEV. CO. (76-2-17)
(for Mt. Airy Estates)
3012 MOLLY PITCHER DR.







OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 13, 2006

APPLICANT: Mt. Airy Estates
15 Engle Street
Englewood, NJ

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 10, 2006

FOR : Proposed one family house

LOCATED AT: 3012 Molly Pitcher Drive

ZONE: R-3 Sec/Blk/ Lot: 76-2-17

DESCRIPTION OF EXISTING SITE: vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed one family house will not meet minimum 18' side yard set-back.


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
approve			
ZONE: R-3	USE:	Bulk Tables	See approved site-plan Mt. Airy Estates
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:	18'	10.7'	7.73'
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 13, 2006

**APPLICANT: Mt. Airy Estates
15 Engle Street
Englewood, NJ**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 10, 2006

FOR : Proposed one family house

LOCATED AT: 3012 Molly Pitcher Drive

ZONE: R-3 Sec/Blk/ Lot: 76-2-17

DESCRIPTION OF EXISTING SITE: vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed one family house will not meet minimum 18' side yard set-back.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
approve			
ZONE: R-3 USE: Bulk Tables	See approved site-plan Mt. Airy Estates		
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:	18'	10.7'	7.73'
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

COPY

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JAN 10 2006

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises MT AIRE ESTATES

Address 3012 MOLLY PITCHER DRIVE Phone 908 208 1923

Mailing Address 15 ENGLE ST ENGLEWOOD NJ

Name of Architect APPEL DESIGN GROUP

Address 2444 MORRIS AVE UNION NJ Phone 908 686 2230

Name of Contractor NEW WINDSOR DEVELOPMENT COMPANY

Address 570 W. MT. PLEASANT AVE LIVINGSTON NY Phone 973-992-2443

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer. af MEMBER
(Name and title of corporate officer)

1. On what street is property located? On the N side of MOLLY PITCHER DRIVE
(N,S,E or W)
and 0 feet from the intersection of HAMILTON WAY

2. Zone or use district in which premises are situated R3 Is property a flood zone? Y N ✓

3. Tax Map Description: Section 76 Block 2 Lot 17

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy VACANT LAND b. Intended use and occupancy SINGLE FAMILY

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? YES

7. Dimensions of entire new construction. Front 54'4" Rear 54'4" Depth 41'8" Height 29 No. of stories 2

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1

Number of bedrooms 4 Baths 2 Toilets 3 Heating Plant Gas ✓ Oil ✓
Electric/Hot Air ✓ Hot Water ✓ If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost 80000 Fee _____

ZONING BOARD

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

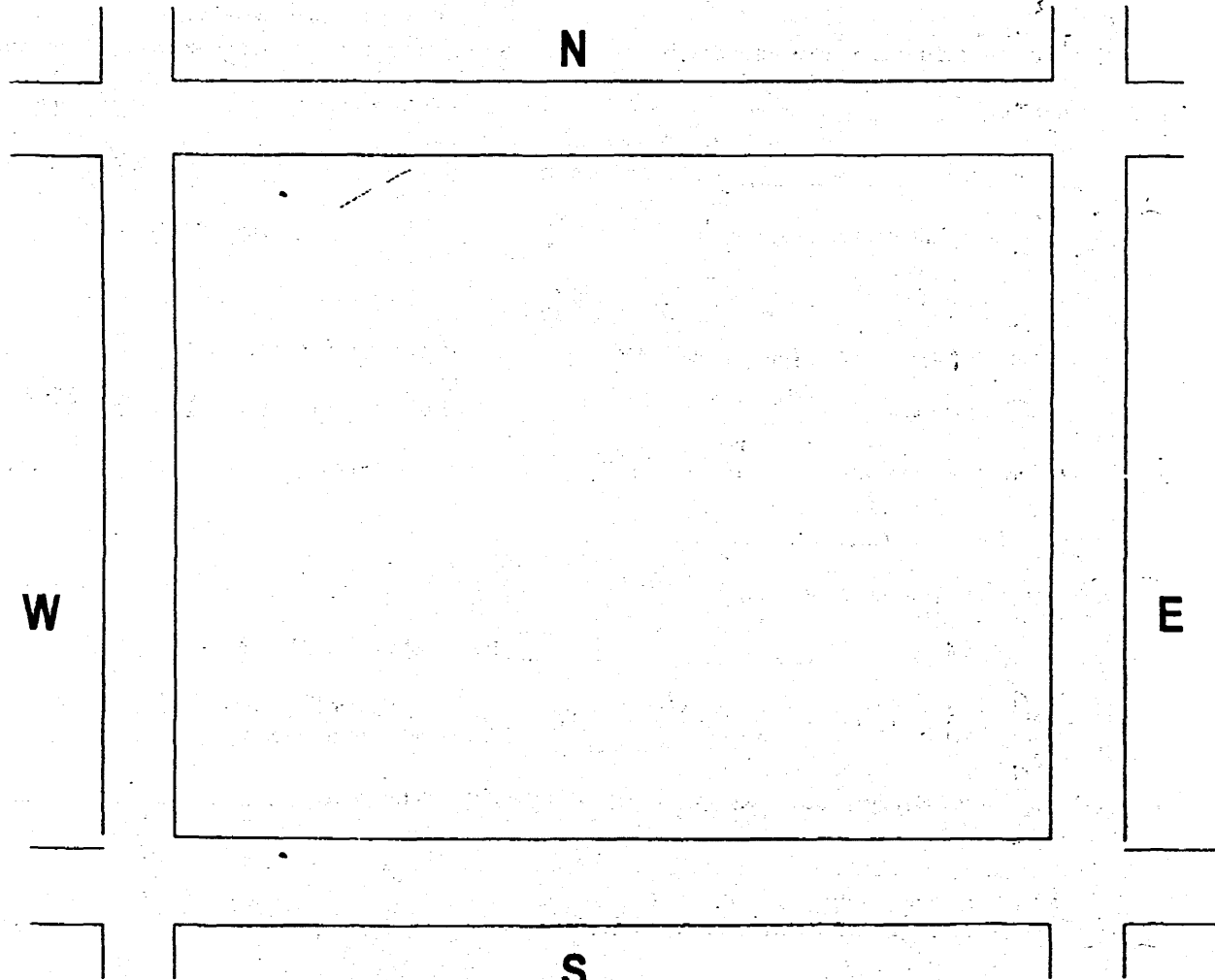
BY: [Signature] 570 W. MT PLEASANT AVE. LIVINGSTON, NY
(Signature of Applicant) (Address of Applicant)
MT FIRE ESTIMATES, INC.
BY: [Signature] 15 EGGLE ST. ENGLEWOOD, NY

(Owner's Signature)

PLOT PLAN

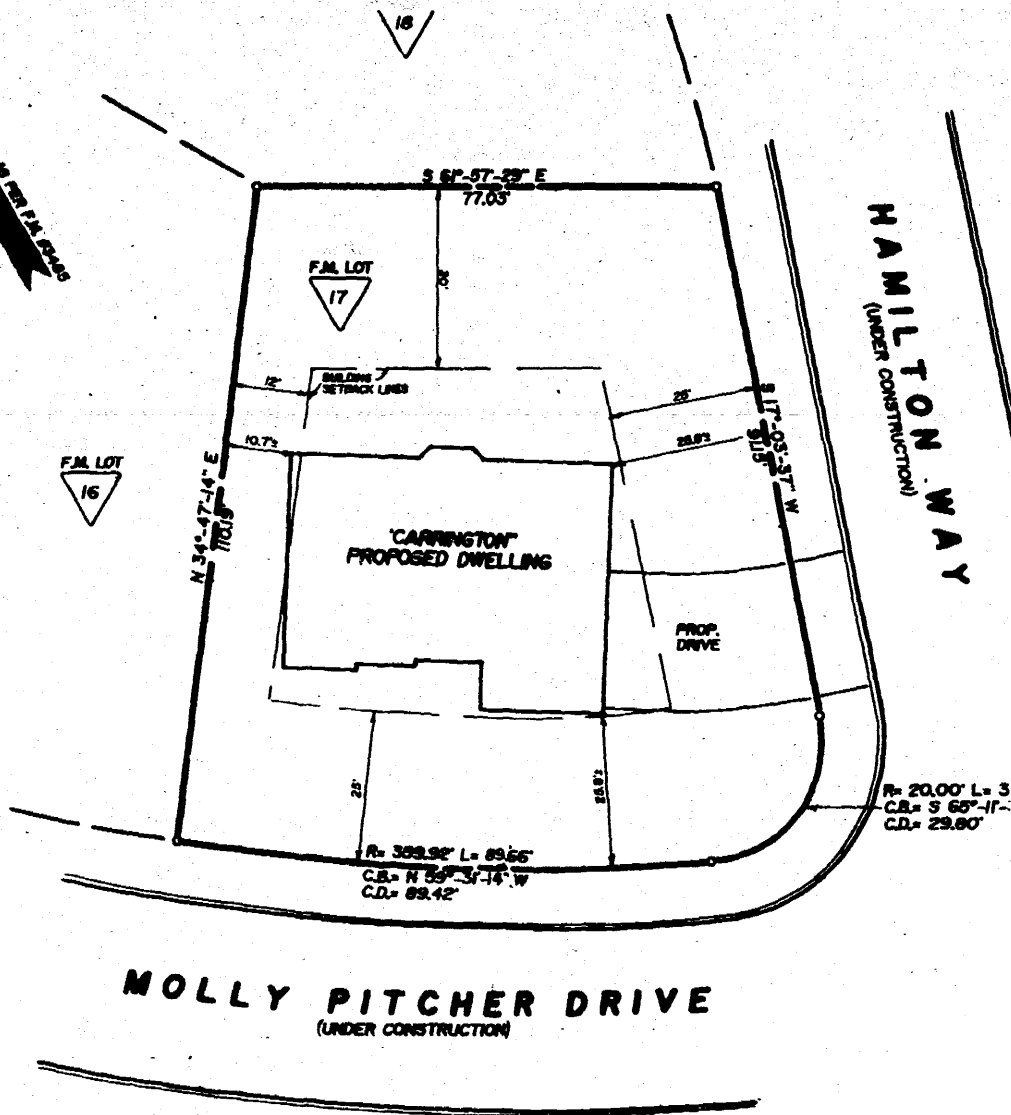
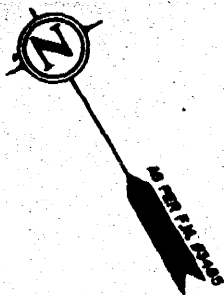
(Owner's Address)

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



COOLIDGE







MOLLY PITCHER DRIVE
(UNDER CONSTRUCTION)

COPY

TAX MAP REFERENCE:

TOWN OF NEW WINDSOR
SECT. 76, BLK. 2, LOT 17

1 3 0		LEO J. 83 Cemetery Rd.
		<u>PLO</u> FOR MOUNT AIRE ESTATE MOLLY PITCHER DR TOWN OF NEW WIN ORANGE COUNTY,

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 76-2-17

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

MT. AIRY ESTATES

AREA

CASE #06-14

WHEREAS, Marvin Rosenzweig represented the, owner(s) of 3012 Molly Pitcher Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 7.3 ft. Side Yard Setback for proposed single family dwelling in an R-3 Zone (76-2-17)

WHEREAS, a public hearing was held on April 24, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-3 zone.
 - (b) The property is part of an approved subdivision and is located on the intersection of two roadways. The applicant seeks this application in order to construct a single-family home consistent in size and appearance with the other homes in the subdivision.

- (c) Although not all the homes in the subdivision have been constructed, the developer has completed the construction of the infrastructure including, but not limited to roadways, drainage and curbs.
- (d) The construction of the home, if approved, will not require the applicant to remove any trees or substantial vegetation.
- (e) The construction of the home, if permitted, will not cause the ponding or collection of water or divert the flow of water drainage.
- (f) The house will not interfere with any easements including, but not limited to, water, sewer or electrical easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

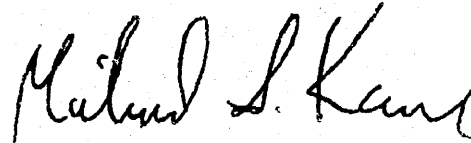
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 7.3 ft. Side Yard Setback for proposed single family dwelling at 3012 Molly Pitcher Drive in an R-3 Zone (76-2-17)

as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: April 24, 2006

A handwritten signature in black ink, appearing to read "Michael S. Kuntz", is written above a horizontal line.

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 7/20/06
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 163.67 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-14

NAME & ADDRESS:

**New Windsor Development Co.
(for Mt. Airy Estates)
16 Microlab Road
Livingston, NJ 07039**

THANK YOU,

MYRA

L.R. 7/20/06



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #06-14 TYPE: AREA TELEPHONE: 973-422-1666

APPLICANT:

New Windsor Development Co.
(for Mt. Airy Estates)
16 Microlab Road
Livingston, NJ 07039

RESIDENTIAL:	\$ 50.00	CHECK # <u>110566</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 110567



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$7.00 / PAGE	<u>ATTORNEY</u> FEE
-----------------------	--	---------------------------------	------------------------

PRELIMINARY:	<u>4</u>	PAGES	<u>\$28.00</u>	<u>\$35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$28.00</u>	<u>\$35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 4/18/06 \$10.33

TOTAL:	<u>\$66.33</u>	<u>\$70.00</u>
--------	----------------	----------------



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$136.33

AMOUNT DUE: \$ _____

REFUND DUE: \$163.67

Cc:

L.R. 7/20/06

State of New York

County of Orange, ss:

Lucas Ladlee being duly

sworn disposes and says that he is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1X

in said newspaper, commencing on
the 18 day of Apr A.D., 2006
and ending on the 8 day of Apr
A.D. 2006

Lucas W. Ladlee

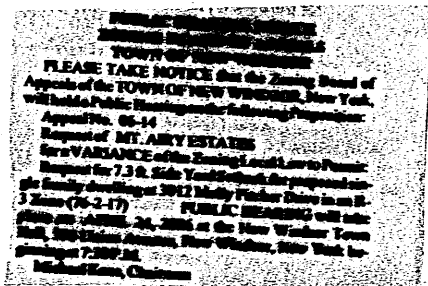
Subscribed and shown to before me
this 22nd day of May, 2006.

Dorothy Green

Notary Public of the State of New York
County of Orange.

DOROTHY GREEN
Notary Public, State of New York
Qualified in Orange County
0087068
Commission Expires July 15, 2007

My commission expires _____





THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
4/28/2006	7611

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

RECEIVED

MAY 24 2006

P.O. No. <i>44498</i>	Terms	Project
SEE BELOW	Due on receipt	

Issue Date	Description	PCS/Units	Amount
4/18/2006	LEGAL ADS: PO #44498 06-15 1 AFFIDAVIT	6.72 4.00	6.72 4.00
4/18/2006	LEGAL ADS: PO #44499 06-14 1 AFFIDAVIT	6.33 4.00	6.33 4.00
4/18/2006	LEGAL ADS: PO #44501 06-16 1 AFFIDAVIT	6.33 4.00	6.33 4.00
		Total	\$31.38

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218

PUBLIC HEARINGS

MT. AIRY ESTATES (06-14)

MS. GANN: Request for 7.3 foot side yard setback for proposed single family dwelling at 3012 Molly Pitcher Drive.

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MR. KRIEGER: It appears that the notice advertised for this hearing was actually published in the newspaper less than 10 days, although it was sent in to be published prior to that, it was apparently the newspaper's mistake. I have been consulted and I advised the board that if you wish, you should go ahead with the application, notwithstanding that because the other the mailing notices were sent out on time but what you should be aware of is if a challenge is mounted later, you have an exposure of vulnerability with respect to the notice. I don't think it should prohibit you from going forward, but it's something that you should consult counsel of your own choosing to determine whether not you have any exposure there.

MR. ROSENZWEIG: Do I have to respond?

MR. KRIEGER: No, you don't have to respond, just letting you know that's the situation and that it's your election whether to proceed or not.

MR. ROSENZWEIG: I believe that I should proceed with it.

MR. KRIEGER: Okay.

MS. GANN: So tell us again, single family dwelling, how large would that dwelling be?

MR. ROSENZWEIG: Approximately, 2,700 square feet.

MS. GANN: Does that fit into the character of the neighborhood?

MR. ROSENZWEIG: Yes, it does, it's a house that's probably the most prevalent of all the houses that are going into the subdivision.

MS. GANN: Is this the last home to go into this neighborhood or is it still building?

MR. ROSENZWEIG: No, we still have quite a few houses to go, it's just it happens to be one of those corner lots that doesn't afford the houses to fit into the specific box and I have been here before and you have allowed me to obtain a variance.

MR. KRIEGER: But the infrastructure for this subdivision has it been installed?

MR. ROSENZWEIG: Yes.

MR. KRIEGER: Roads, waste and that sort of thing?

MR. ROSENZWEIG: Yes, certainly for this area, there are other areas.

MR. KRIEGER: That's all I'm concerned about is this particular area.

MR. ROSENZWEIG: Yes, it has.

MR. KRIEGER: Some homes have been built, just not all you're allowed.

MR. ROSENZWEIG: That's correct.

MR. BABCOCK: One of the things on the Molly Pitcher Drive says under construction and Hamilton Way says

under construction in front of this house, in front of these lots.

MR. ROSENZWEIG: In front of the house, yes.

MS. GANN: So it doesn't look like you'll be taking any substantial vegetation down to build the home?

MR. ROSENZWEIG: Not, area's pretty much clear.

MS. GANN: Creating water hazards?

MR. ROSENZWEIG: No.

MS. LOCEY: Why is it the house cannot be located on the property without the requested variance?

MR. ROSENZWEIG: Because it's a corner lot and just the way the house is situated just misses by a couple feet at one corner.

MS. LOCEY: But everything else meets all the setbacks?

MR. ROSENZWEIG: Yes.

MS. GANN: Do you have any questions?

MR. LUNDSTROM: No, Madam Chairman.

MS. GANN: Any other questions from the board?

MS. LOCEY: No more questions.

MS. GANN: I need to open this up to the public, is there anyone here for this public hearing? No, okay. I'll close that to the public then and I'll ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 27 envelopes and had no response.

April 24, 2006

40

MS. GANN: I'll accept a motion.

MR. LUNDSTROM: Madam Chairman, I will offer a motion to approve the application for Mt. Airy Estates' request for 7.3 foot side yard setback for proposed single family dwelling at 3012 Molly Pitcher Drive in an R-3 zone, section, block and lot 76-2-17.

MS. LOCEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE



RESULTS OF Z.B.A. MEETING OF: 7 New Windsor Development

PROJECT: April 24, 2006

ZBA # 06-14

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**_____ **N**_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

NEGATIVE DEC: M) _____ S) _____ VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) Lu S) Lo VOTE: A 4 N 0.

GANN
LUNDSTROM
LOCEY
TORPEY
~~NAME~~

CARRIED: Y_____N_____.

[illegible]

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

NEW WINDSOR DEVELOPMENT CO.

**AFFIDAVIT OF
SERVICE
BY MAIL**

#06-14

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 10TH day of APRIL, 2006, I compared the 27 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

10th day of April, 20 06

J. P. Gallagher
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

March 29, 2006

New Windsor Development Co.
16 Microlab Road
Livingston, NJ 07039

Re: 76-2-17

ZBA#: 06-14 (27)

Dear Gentlemen:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

64-2-15

Richard & Michele Janke
2051 Independence Drive
New Windsor, NY 12553

64-2-18

Melba Fawcett Sands
2045 Independence Drive
New Windsor, NY 12553

64-2-21

John & Eileen Weber
2039 Independence Drive
New Windsor, NY 12553

64-2-28

Mario & Theresa Bullicer
2649 Liberty Ridge
New Windsor, NY 12553

64-2-31

Norman & Doreen Edwards
2643 Liberty Ridge
New Windsor, NY 12553

76-2-38

Eugene Baybay
Blanca Lemos
2909 McKinley Court
New Windsor, NY 12553

76-4-14

Israel Perez
Therezabeth Garcia
2038 Independence Drive
New Windsor, NY 12553

76-4-17

Michael & Charisse Deas
2044 Independence Drive
New Windsor, NY 12553

76-4-20

Jason & Pauline Honecker
2050 Independence Drive
New Windsor, NY 12553

64-2-16

Baby & Shantee Thomas
2049 Independence Drive
New Windsor, NY 12553

64-2-19

Donald Cambridge
Sabrina Walker-Cambridge
2043 Independence Drive
New Windsor, NY 12553

64-2-22

George & Annmarie Weir
2037 Independence Drive
New Windsor, NY 12553

64-2-29

Carl & Margo Bell
2647 Liberty Ridge
New Windsor, NY 12553

64-2-32

Jose & Sandra Alemany
2641 Liberty Ridge
New Windsor, NY 12553

76-4-12

Gaurav & Monika Suri
2034 Independence Drive
New Windsor, NY 12553

76-4-15

Juan Curillo
Anita Pinos
2040 Independence Drive
New Windsor, NY 12553

76-4-18

Robert & Janet Garcia
2046 Independence Drive
New Windsor, NY 12553

76-4-21

Nathaniel Moore
Tabatha Williams
2052 Independence Drive
New Windsor, NY 12553

64-2-17

Douglas Pettus
Virna Jusino
2047 Independence Drive
New Windsor, NY 12553

64-2-20

Stanley & Beena George
2041 Independence Drive
New Windsor, NY 12553

64-2-27

Agustin & Milagros Dorego
2651 Liberty Ridge
New Windsor, NY 12553

64-2-30

Timmy Vazquez
Carla Diaz Vazquez
2645 Liberty Ridge
New Windsor, NY 12553

76-2-37

Michael Williams
Sherry Font Williams
2907 McKinley Court
New Windsor, NY 12553

76-4-13

Thomas & Marybeth Hurley
2036 Independence Drive
New Windsor, NY 12553

76-4-16

Rakowski Family Irr. Trust
Michal & Christina Klim
2042 Independence Drive
New Windsor, NY 12553

76-4-19

Steven & Darlene Ford
2048 Independence Drive
New Windsor, NY 12553

76-4-22

Steven & Jennifer Marion
2054 Independence Drive
New Windsor, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

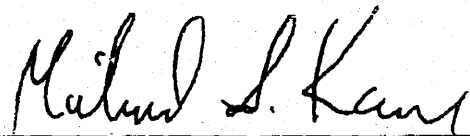
Appeal No. 06-14

Request of MT. AIRY ESTATES

for a VARIANCE of the Zoning Local Law to Permit:

Request for 7.3 ft. Side Yard Setback for proposed single family dwelling at 3012 Molly Pitcher Drive in an R-3 Zone (76-2-17)

PUBLIC HEARING will take place on APRIL 24, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



RESULTS OF Z.B.A. MEETING OF: March 27, 2006

PROJECT: Mt. Airy Estates - Molly Pitcher ZBA # 06-14
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) GN S) LO VOTE: A 5 N 0

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Similar in size 2700 S.F.

ZBA #06-14- application Fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#247-2006

03/27/2006

Development, New Windsor

Received \$ 50.00 for Zoning Board Fees, on 03/27/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-27-2006

FOR: 06-14 ESCROW

FROM:

CHECK FROM:

New Windsor Development Co.
(for Mt. Airy Estates)
16 Microlab Road
Livingston, NJ 07039


SAME

CHECK NUMBER: 110567

TELEPHONE: 973-422-1666

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:


NAME

3 / 28 / 06
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

PRELIMINARY MEETINGS

MT. AIRY ESTATES (06-14)

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MR. KANE: First preliminary meeting tonight is Mt. Airy Estates. Request for 7.3 ft. side yard setback for proposed single family dwelling at 3012 Molly Pitcher Drive. Tell us what you want to do, sir.

MR. ROSENZWEIG: Well, we've had a similar situation before where we have a corner lot and naturally on a corner lot we don't have as much space as you have on the regular lots so we want to put a specific house on the lot similar to the rest of the houses in the development and that's why I'm before you, again. I believe that this should be the last one, I thought that that was the case once before.

MR. KANE: What changed just so I can ask since you, when you did all the lot dividing to get to the point where nothing's really--

MR. ROSENZWEIG: No, this is the third time that I've been here and I thought that the last time I had everything, third time or this might be the fourth.

MR. KANE: Next meeting will be the fourth, that's number 2.

MR. BABCOCK: Mr. Chairman, I think to help you answer your question I don't think Marvin got what you were saying, these lots were created in 1970, in 1970 they built these little tiny ranches that probably would fit on here in today's world, that's what really changed.

MR. ROSENZWEIG: Thank you.

March 27, 2006

3

MR. KANE: So the home itself is going to be similar in size and nature to other homes?

MR. ROSENZWEIG: It's probably one of the houses that we build in the development, a Carrington.

MR. KANE: How many square feet?

MR. ROSENZWEIG: 2,700.

MR. KANE: One car garage?

MR. ROSENZWEIG: It's a two car garage attached.

MR. KANE: Setback you need is over here, you're facing, is this going to be the front of the house where the driveway is or is the front of the house on Molly Pitcher.

MR. ROSENZWEIG: I believe the front is on Molly Pitcher.

MR. KANE: So the back left corner is where you basically need the 7 feet?

MR. BABCOCK: Actually the house is facing on Hamilton Way.

MR. KANE: Proposed driveway kicks out to Hamilton.

MR. ROSENZWEIG: No, the original was a different house then, we had a buyer that came along and didn't want the Brittany, you're looking at a Carrington, did you have a Carrington on it?

MR. BABCOCK: Brittany.

MR. ROSENZWEIG: No, it's a Carrington, that's the difference and it's facing on Molly Pitcher Drive with

March 27, 2006

4

the driveway.

MS. MASON: You probably have a little one attached to the paperwork to the referral.

MS. GANN: Are we looking at the right one?

MR. KANE: Yes, that's correct.

MR. LUNDSTROM: What are all the setbacks in that zone?

MR. KANE: Permitted is 18 is what I'm reading. And you really can't move it over because he had two front yards so that's 25 feet, you can't pick up because he would need a variance on that side so it doesn't make a lot of sense to shift it.

MR. LUNDSTROM: How close is the neighbor?

MR. KANE: He should be 18 feet.

MR. ROSENZWEIG: At this point, there are no other houses and no other people that live there yet so apparently that's why nobody showed up tonight.

MR. BABCOCK: This is not a public hearing, this is preliminary.

MR. TORPEY: We're going to wait until they move in.

MR. KANE: I don't see a really big problem. Any further questions? I'll accept a motion.

MS. GANN: I will offer a motion that we set up Mt. Airy Estates for a public hearing for their request for 7.3 foot side yard setback for proposed single family dwelling at 3012 Molly Pitcher Drive in an R-3 zone.

MS. LOCEY: Second the motion.

March 27, 2006

5

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

2.21.06

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

MT AIRY ESTATES

Phone Number: (201) 816-1200

Fax Number: ()

(Name)

15 ENGLE ST ENGLEWOOD, NJ

(Address)

II. Applicant:

NEW WINDSOR DEV CO.

Phone Number: (973) 422-1666

Fax Number: ()

(Name)

16 MICHLAR RD LIVINGSTON, NJ

(Address)

III. Forwarding Address, if any, for return of escrow:

NEW WINDSOR DEV CO

Phone Number: (973) 422-1666

Fax Number: ()

(Name)

16 MICHLAR ROAD LIVINGSTON NJ

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 343-7994

Fax Number: ()

(Name)

LEO J CARROLL
83 CEMETARY ROAD MIDDLETOWN, N.Y.

(Address)

V. Property Information:

Zone: R-3 Property Address in Question: 3012 MOLLY PITKIN DRIVE

Lot Size: 10586 sq ft Tax Map Number: Section 76 Block 2 Lot 17

a. What other zones lie within 500 feet?

b. Is pending sale or lease subject to ZBA approval of this Application? Yes

c. When was property purchased by present owner? 1975

d. Has property been subdivided previously? No If so, When:

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? Yes

f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	18'	10' 7"	7' 3"
Reqd. Rear Yd.	9' 2"		
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE FOLLOWING IS A CHANGE THATS BEEN REQUESTED
PREVIOUSLY ON CORNER LOTS, THERE ARE NO ADVERSE
EFFECTS TO THE COMMUNITY. THE HOUSE IS
SIMILAR TO MANY OF THE HOUSES IN SIZE AND
STYLE. THERE IS ALSO NO DETRIMENT TO SAFETY
HEALTH OR WELFARE IN THE NEIGHBORHOOD.
THIS TYPE OF VARIANCE HAS BEEN GRANTED BEFORE
ON THE CORNER LOT SITUATION.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
 - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

21st day of February 2006

[Signature]
Owner's Signature (Notarized)

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

[Signature]
Owner's Name (Please Print)

[Signature and Stamp of Notary]
Signature and Stamp of Notary

[Signature]
Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: **03-27-06** PROJECT NUMBER: ZBA# **06-14** P.B. # _____

APPLICANT NAME: NEW WINDSOR DEVELOPMENT CO.

PERSON TO NOTIFY TO PICK UP LIST:

New Windsor Development Co.

(for Mt. Airy Estates)

16 Microlab Road

Livingston, NJ 07039

TELEPHONE: 973-992-2443

TAX MAP NUMBER: SEC. 76 BLOCK 2 LOT 17
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: **3012 MOLLY PITCHER DRIVE**
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

NEW WINDSOR ZONING BOARD **XXX**

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

AMOUNT OF DEPOSIT: **25.00** CHECK NUMBER: **110568**

TOTAL CHARGES: _____